

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RONNIE D. WALLS,

Plaintiff,

v.

MARK LOGAN, SHERIFF OF MOORE
COUNTY; JANICE KAY SOLOMON,
MOORE COUNTY JAIL ADMINISTRATOR;

Defendants.

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No. 1:13-cv-35/1:13-cv-42

Judge Curtis L. Collier

MEMORANDUM AND CONSOLIDATION AND DEFICIENCY ORDER

Ronnie D. Walls (“Plaintiff”), a *pro se* prisoner, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 1). Plaintiff contends the Defendants violated his Eighth Amendment Rights when they refused, for five days, to provide him medical care for a spider bite he received while incarcerated and when they subsequently prescribed the wrong medication, which ultimately resulted in him being transported to Horton Regional Medical center for treatment of the spider bite.

I. CONSOLIDATION OF CASES

It appears that Walls’s mailed two § 1983 complaints, both dated February 6, 2013, in the same envelope, suing the same defendants for denial of medical care. One § 1983 complaint was opened as Civil Action Number 1:13-cv-35 and the second complaint, which adds some details but is essentially identical to the first complaint, was opened as a new civil case, Civil Action Number 1:13-cv-42.

Pursuant to Fed. R. Civ. P. 42(a)(2) the district court is afforded discretion concerning the purposes and scope of consolidation. Therefore, pursuant to Fed. R. Civ. P. 42(a)(2), these cases will

be consolidated and all documents previously filed in Civil Case Number 1:13-cv-42 **SHALL** be

filed in Civil Case Number 1:13-cv-35 on the Court's CM/ECF system. In addition, all future filings in both of these actions, Civil Action Number 1:13-cv-35 and Civil Action Number 1:13-cv-42, **SHALL** be filed in Civil Action Number 1:13-cv-35.

Therefore, the Clerk will be **DIRECTED** to **CONSOLIDATE** these cases, close Civil Case Number 1:13-cv-42, file this document in both cases, file the document previously filed in Civil Case Number 1:13-cv-42 in Civil Case Number 1:13-cv-35 on the Court's CM/ECF system, file all future submissions in both of these actions in Civil Case Number 1:13-cv-35, and send Plaintiff a copy of this order.

II. DEFICIENCY

Plaintiff has neither paid the \$350.00 filing fee nor submitted an *in forma pauperis* application along with all of the required documents. Under the Prison Litigation Reform Act, a prisoner who files a complaint in a district court must tender the full filing fee or he must file (1) an application to proceed *in forma pauperis* without prepayment of fees **and** (2) a certified copy of his inmate trust account for the previous six-month period. 28 U.S.C. § 1915(a)(2) (emphasis added). Plaintiff has failed to pay the full \$350.00 filing fee or file an application to proceed *in forma pauperis* along with a certified copy of his inmate trust account for the previous six-month period.

The Clerk will be **DIRECTED** to send an *in forma pauperis* application along with a Prisoner Account Statement Certificate to be completed by the authorized custodian of inmate accounts, to Plaintiff. Plaintiff **SHALL** have **thirty (30) days** from the date of this Order to pay the full \$350.00 filing fee or to submit an *in forma pauperis* application and the required certified statement completed by the appropriate institutional officer.

Plaintiff will be **NOTIFIED** that if he fails to fully comply with this Order within the time

required, the Court **SHALL** presume that he is not a pauper, **SHALL** assess the \$350.00 filing fee, and **SHALL** order the case dismissed for want of prosecution. If the case is dismissed under these circumstances, the case will not be reinstated to the District Court's docket despite the subsequent payment of the filing fee.

Plaintiff will be further **ORDERED** to inform the Court, and Defendant or counsel of record for Defendant, immediately of any address change. Failure to provide a correct address to this Court within **ten (10) days** following any change of address will result in the dismissal of this Case.

Accordingly, it is hereby **ORDERED** that:

(1) The Clerk **SHALL CONSOLIDATE** Civil Case Number 1:13-cv-35 with Civil Case Number 1:13-cv-42 on the Court's CM/ECF system, **SHALL CLOSE** Civil Case Number 1:13-cv-42, **SHALL FILE** all documents previously filed in Civil Case Number 1:13-cv-42 in Civil Case Number 1:13-cv-35, **SHALL FILE** all future filings in these Cases in Civil Case Number 1:13-cv-35, and **SHALL FILE** a copy of this Order in both cases.

(2) The Clerk **SHALL** serve Plaintiff with a copy of this order.

(3) The Clerk **SHALL** send Plaintiff an *in forma pauperis* application along with a Prisoner Account Statement Certificate to be completed by the authorized custodian of inmate accounts.

(4) Plaintiff **SHALL** pay the full \$350.00 filing fee or submit a completed *in forma pauperis* application and the required certified statement completed by the appropriate institutional officer to the Court within **thirty (30) days** from the date of this Order.

(5) Plaintiff's case **SHALL** be dismissed and the \$350.00 filing fee assessed if he fails to fully comply with this Order within the time required without further notice from the Clerk. If

the case is dismissed under these circumstances, the case **SHALL NOT** be reinstated to the District Court's docket despite the subsequent payment of the filing fee.

(6) Plaintiff **SHALL** notify the Court and Defendants or their counsel of record, immediately of any address change within **ten (10) days** following any change of address and failure to do so will result in the dismissal of this case.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE